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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

MILES Q. FITERMAN REVOCABLE TRUST;
MILES Q. FITERMAN NON-EXEMPT
MARITAL TRUST; TOWERS
MANAGEMENT COMPANY LLC;
FITERMAN GST EXEMPT MARITAL
TRUST; MILES FITERMAN FAMILY
TRUST; SHIRLEY FITERMAN, individually,
and in her capacity as Trustee for the MILES Q.
FITERMAN REVOCABLE TRUST and the
MILES Q. FITERMAN NON-EXEMPT
MARITAL TRUST; STEVEN FITERMAN,
individually, and in his capacity as Trustee for

Adv. Pro. No. 10-04337 (SMB)

the MILES Q. FITERMAN REVOCABLE TRUST and the MILES Q. FITERMAN NONEXEMPT MARITAL TRUST; VALERIE HERSCHMAN, individually, and in her capacity as Trustee for the MILES Q. FITERMAN REVOCABLE TRUST and the MILES Q. FITERMAN NON-EXEMPT MARITAL TRUST; KAREN WASSERMAN; LYNN GUEZ; STEPHANIE ROSENTHAL; MILES Q. FITERMAN II; AND MATTHEW FITERMAN,

Defendants.

CERTIFICATE OF NO OBJECTION REGARDING TRUSTEE'S MOTION FOR ENTRY OF AN ORDER PURSUANT TO SECTION 105(a) OF THE BANKRUPTCY CODE AND RULES 2002 AND 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE APPROVING A SETTLEMENT AGREEMENT BY AND BETWEEN THE TRUSTEE AND THE DEFENDANTS

Irving H. Picard (the "Trustee"), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC and the chapter 7 estate of Bernard L. Madoff, by and through his undersigned counsel, submits this certificate pursuant to Local Bankruptcy Rule 9075-2, and respectfully represents:

1. On August 29, 2017, the Trustee filed the Motion for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Approving a Settlement Agreement By and Between the Trustee and the Defendants in the above-captioned proceeding (the "Motion") (ECF No. 115).¹

2. The deadline for filing objections to the Motion expired on September 26, 2017 at 5:00 p.m. A hearing on the Motion has been scheduled for October 3, 2017 at 10:00 a.m.

3. Notice of Motion was provided by U.S. Mail, postage prepaid or email to (i) defendants in this adversary proceeding; (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures (ECF No. 4560); (iii) all parties that have filed a notice of appearance in these cases; (iv) the SEC; (v) the IRS; (vi) the Acting United

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion.

States Attorney for the Southern District of New York; and (vii) SIPC, pursuant to the Order Establishing Notice Procedures (ECF No. 4560).

4. Counsel has reviewed the Court's docket not less than forty-eight (48) hours after expiration of the time to file an objection and, to date, no objection, responsive pleading, or request for a hearing with respect to the Motion appears thereon. Additionally, no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion.

5. An electronic copy of the proposed order (the "Order"), that is substantially in the form of the proposed order that was annexed to the Motion will be submitted to the Court, along with this certificate.

6. Pursuant to Local Bankruptcy Rule 9075-2, the Trustee respectfully requests that the Order be entered without a hearing.

Respectfully submitted,

Dated: New York, New York
September 28, 2017

By: /s/ Howard L. Simon
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*Special Counsel for Irving H. Picard, Trustee for
the Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
Bernard L. Madoff*